

# **Notice of Allowability**

**Application No.**

09/244,130

**Examiner**

Sumesh Kaushal Ph.D.

**Applicant(s)**

DUJON ET AL.

**Art Unit**

1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/23/03.
  2. ☒ The allowed claim(s) is/are 94-119.
  3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All b) ☐ Some\* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    - (a) ☐ The translation of the foreign language provisional application has been received.
  6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No. 5.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- 1 ☐ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. \_\_\_\_\_
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_
- 7 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other \_\_\_\_\_

**JEFFREY FREDMAN**  
PRIMARY EXAMINER

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Salvatore J. Arrigo on 12/17/03.

The application has been amended as follows:

#### **IN THE CLAIMS**

94 (Currently amended). A transgenic mouse whose germ cells and somatic cells comprise an exogenous nucleotide sequence,

wherein said exogenous nucleotide sequence comprises a Group I intron encoded endonuclease recognition site,

wherein the endonuclease site is within an integrated nucleic acid sequence from a vector, and

wherein the site is selected from the group consisting of an I-SceIV site, an I-CsmI site, I-PanI site, I-SceII site, an I-CeuI site, an I-PpoI site, an I-SceIII site, an I-CreI site, an I-TevI site, an I-TevII site, an I-TevIII site, and an I-SceI site.

107 (Currently amended). A method of culturing transgenic cells comprising the steps of:

(a) providing a cell from a transgenic mouse whose germ cells and somatic cells comprise an exogenous nucleotide sequence,

wherein said exogenous nucleotide sequence comprises at least one Group I intron encoded endonuclease recognition site,

wherein the endonuclease site is within an integrated nucleic acid sequence from a vector, and

wherein the site is selected from the group consisting of an I-SceI site, an I-CsmI site, I-PanI site, I-SceII site, an I-CeuI site, an I-PpoI site, an I-SceIII site, an I-CreI site, an I-TevI site, an I-TevII site, an I-TevIII site, and an I-SceI site; and

(b) culturing said cell under conditions that allow growth of said cell.

### **IN THE SPECIFICATION**

Page 1, the text of lines 1-6 was replaced with:

--This is a divisional of application Serial No. 09/119,024, filed July 20, 1998 (now US Pat No. 5,948,678), which is a continuation of application Serial No. 08/336,241, filed November 7, 1994 (now US Pat No 5,792,632), which is a CIP of application Serial No. 07/971,160, filed November 5, 1992 (now abandoned), which is CIP of application Serial No. 07/879,689, filed May 5, 1992 (now abandoned) all of which are incorporated hereby reference. --

Page 8, line 8, "14" was replaced with -- 14A-14B -- before "depicts a set".

Page 8, line 21, "15" was replaced with -- 15A-15E -- before "depicts the rationale".

Page 9, line 20, "17" was replaced with -- 17A-17H -- before "depicts mapping".

Page 10, line 21, "20" was replaced with -- 20A-20E -- before "Experimental design".

Page 11, line 11 "21" was replaced with -- 21A-21B -- before "A. Scheme of".

Page 11, line 19, "22" was replaced with -- 22A-22B -- before "A. Introduction of".

Page 12, line 4, "23" was replaced with -- 23A-23B -- before "Verification of".

Page 12, line 21, "24" was replaced with -- 24A-24B -- before "Verification of".

Page 13, line 8, "25" was replaced with -- 25A-25C -- before "Type of".

Page 14, line 3, "26" was replaced with -- 26A-26C -- before "Southern blot".

Page 14, line 18, "27" was replaced with -- 27A-27B -- before "Southern blot".

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 94-119 are free of prior art of record. The prior art does not suggest or teach a transgenic mouse whose germ cells and somatic cells comprise an exogenous nucleotide sequence, wherein said exogenous nucleotide sequence comprises a Group I intron encoded endonuclease recognition site, wherein the endonuclease site is within an integrated nucleic acid sequence from a vector, and wherein the site is selected from the group consisting of an I-SceI site, an I-CsmI site, I-PanI site, I-SceII site, an I-CeuI site, an I-PpoI site, an I-SceIII site, an I-CreI site, an I-TevI site, an I-TevII site, an I-TevIII site, and an I-SceI site.

In addition the invention as claimed is limited to an integrated nucleic acid sequence from a vector, which distinguishes the instant invention from any naturally occurring endonuclease recognition site nucleic acid sequences present in the genome of the claimed transgenic mouse and/or a cell derived therefrom.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumesh Kaushal Ph.D. whose telephone number is 703-305-6838 (571-272-0769). The examiner can normally be reached on Mon-Fri. from 9AM-5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Irem Yucel Ph.D. can be reached on 703-305-1998 (571-272-0781). The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

*S. Kaushal*  
Patent examiner

  
JEFFREY FREDMAN  
PRIMARY EXAMINER